

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kathleen M. Miller

Serial No.: 10/789,398

Filed: 02/27/2004

Title: IMPLANTABLE OR INSERTABLE MEDICAL DEVICE RESISTANT  
TO MICROBIAL GROWTH AND BIOFILM FORMATION

Art Unit: 3738

Examiner: Thomas Sweet

Confirmation No.: 4925

Docket No.: 98-P0151US2

VIA EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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I hereby certify that this correspondence and any document referenced  
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February 26, 2009, 2009.

Nancy Joyce Simmons  
(Printed Name of Person Sending Correspondence)

/nancy.joyce.simmons/  
(Signature)

**AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION**

Sir:

This is a response to the Office Action mailed on June 27, 2008. On December 29, 2008, Applicant filed a Notice of Appeal and a Petition for a three-month extension of time. Thus, a reply is due on Monday, March 2, 2009 and is being timely filed. A Request for Continued Examination is being concurrently filed with this Amendment.

Please kindly consider the following amendments and remarks.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2.

**Remarks/Arguments** begin on page 16.